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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,165	11/19/2007	Mitsuhiro Shikida	450104-05892	5637
William S. Fron	7590 11/29/201 nmer	EXAMINER		
Frommer Lawre	_		PREGLER, SHARON	
745 Fifth Avenue New York, NY 10151			ART UNIT	PAPER NUMBER
			1772	
			MAIL DATE	DELIVERY MODE
			11/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/586,165	SHIKIDA ET AL.	
Examiner	Art Unit	

non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 17-28. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.		Sharon Pregler	1772						
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itmely file one of the following reples: (1) an amendment, affidate, or other evidence with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replection or or other continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires ② months from the mailing date of the final rejection. b) ☐ The period for reply expires Or: (1) the mailing date of the final rejection. Examiner Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRMA REJECTION. See MFEP 706 307.) Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee name benefited in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee names 37 CFR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action. (2) as may reduce any exame patient term adjustment. See 37 CFR 1.74(b). NOTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set from in 37 CFR 4.1.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise the issue of new matter (see NOTE below); (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress					
application, applicant must timely file one of the following replies: (1) an amendment, afficavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. The period for reply expires 3 months from the mailing date of the final rejection. Examiner Note: (If bot is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE first TREPLY WAS FILED WITHIN TWO MONTHS 0F THE FIRST WAS FILED WITHIN TWO MONTHS 0F THE FIRST WAS FI	THE REPLY FILED <u>10 November 2010</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.						
a)	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time								
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than \$X MONTHS from the mailing date of the neglicity of the part of	<u></u>	of the final rejection.							
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on, A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. A The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). A meandments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	b) The period for reply expires on: (1) the mailing date of this An no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l	dvisory Action, or (2) the date set forth in ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.					
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
3.	2. The Notice of Appeal was filed on A brief in complifiling the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the						
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7 Sharon Trogici	12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☐ Other:	PTO/SB/08) Paper No(s)							

Continuation of 3. NOTE: Applicant's proposed amendment adds limitations into independent claims which were not previously presented.

Continuation of 11. does NOT place the application in condition for allowance because: The proposed amendments, (a), (b), and (c) add more structural weight to the apparatus independent claims, which requires further consideration and/or search.

In regards to the applicant's comment that the amendments to the claims make explicit to what is implicit in the claims, it is noted that these are additional limitations to the structure that were not previously presented. Examiner disagrees that the proposed amendments make explicit what is implicit, because the proposed amendment adds narrower limitations that further define the structure and thus require further consideration and/or search.